

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

In response to the Office Action dated December 5, 2003, Applicants respectfully request reconsideration based on the above claimed amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Applicants thank the Examiner for the courtesy extended in a telephone interview with Applicant's representatives on February 3, 2004. Applicants thank examiner for further consideration of this application as reflected in the present amendment and following remarks.

Claims 1-23 were pending in this application. Claims 1-8, 11, 15, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Epler et al. ("Epler") (U.S. Patent No. 5,825,867). Claims 1, 7 and 11-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eisdorfer ("Eisdorfer") (U.S. Patent No. 5,636,269) in view of Bushnell ("Bushnell") (U.S. Patent No. 6,519,335). Claims 9, 10, 22, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Epler in view of Groen et al. ("Groen") (U.S. Patent No. 6,650,746). Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer in view of Bushnell and Groen.

In this amendment, Applicants have amended claims 1, 7, 11, 15, and 20 to recite further features of the present invention. Claims 3 has been cancelled. Accordingly, claims 1, 2, and 4-23 will be pending upon entry of this Amendment.

Applicants respectfully submit that claims 1, 7, 11, 15, and 20, as currently amended, are not anticipated or rendered obvious by any of the references of record, singly or in combination. A distinguishing feature of the present invention is the provision for a subscriber to determine, set, and distribute, a plurality of priority codes to potential callers. Claims 1, 7, 11, 15, and 20 all provide that a subscriber may exercise complete control on assigning the codes to potential callers, "based on a desired priority level for the calling party." Whenever, and wherever a calling party enters an assigned code while dialing the subscriber's number, the subscriber is properly alerted to the level of priority of the incoming call. In the above manner, the called party subscriber is assured that, during a phone conversation, the level of priority to accord an additional incoming call that triggers a priority signal, is based on the subscriber's determination. The subscriber can accordingly make a confident decision about whether to take or ignore the incoming call.

Eppler teaches a call waiting system which provides for a third party caller (a caller dialing a subscriber already engaged in a communication with a second party) to set the priority and thus the signaling level sent to a subscriber, when the subscriber is engaged in a phone conversation ("receive urgency information from the caller and then to selectively dial a telephone number associated with the user's telephone line as a function of the indicated urgency", column 6, lines 10-13). Additionally, Eppler teaches that "VIP" codes may be used by callers as an identification, wherein a VIP code might identify an individual caller (column 11, line 58). Nowhere does Eppler teach or suggest a method wherein the subscriber sets priority codes and associates them with given priority levels to be provided to callers, so that the priority

signal received from a given caller is in accord with the subscriber's determination. Applicants therefore respectfully submit that claims 1, 7, 15, and 20 are not anticipated by Epler.

Eisdorfer teaches an intelligent call waiting system that, like Eppler, elicits information concerning the urgency of a call from a third party caller ("The network uses the caller's assessment of the call's importance," column 2, lines 57-58). A third party caller may supply a PIN as a personal identifier, which may be used to alert the called party that the call belongs to someone who has a PIN associated with the called party (column 3, line 5-7). Bushnell teaches a call waiting service that supplies distinct levels of service to third party callers to a subscriber. Determination of the level of service to be accorded an incoming third party call is based on information associated with the third party caller's telephone line. This information may include caller ID associated with the line, past calling habits over the line, or whether the line is associated with the subscriber's "affinity" database. However, nowhere do Eisdorfer or Bushnell teach or suggest a method wherein a plurality codes is provided to a group of callers, wherein the caller alone determines the priority to be accorded a call using a code, and wherein the priority signal received by the called party is caller-specific, and not related to a caller's phone line.

Applicants submit that, taken singly or in combination, the above-discussed references of record fail to teach or fairly suggest all the features of the present invention, as recited in independent claims 1, 7, 11, 15, and 20. Applicants submit that, upon entry of the present amendment, independent claims 1, 7, 11, 15, and 20 will be allowable. In addition, at least for their dependence on allowable claims, the remaining claims should be allowable.

Serial No.: 09/849,971
Art Unit: 2645

Attorney's Docket No.: BS00-338
Page 14


In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7696

Date: February 5, 2004

Respectfully submitted,

ROBERTS ET AL.

By: 
Poh C. Chua
Registration No. 44,615

PCC/RAR/kmh

Customer No. 28970